

Appl. No. 10/679,348
Examiner: LEE, EDMUND H, Art Unit 1732
In response to the Office Action dated September 21, 2006

Date: December 1, 2006
Attorney Docket No. 10116631

U.S.C. 103(a) as being unpatentable over Atkins in view of Moshrefzadeh et al (US 6,077,560) and in further view of Nakahara et al (US 2004/0004691).

In response to said non-final office action, an amendment was filed on June 24, 2006 in which claims 1-7 were amended to overcome the rejections under 35 U.S.C. 112 and to correct other informalities. Claims 8-10 were canceled. Thus, at present, claims 1-7 remain in the application. This is reflected in the Office Action Summary mailed on September 21, 2006.

However, the Detailed Action section of the final office action mailed on September 21, 2006 appears to be identical that of the non-final office action mailed on March 24, 2006. Namely:

- 1) The rejections of claims 1-10 under 35 U.S.C. 112, second paragraph, are restated word for word despite the fact that claims 1-7 were amended and claims 8-10 canceled;
- 2) The rejections of claims 8-10 under 35 U.S.C. 102(b) as being anticipated by Atkins are restated word for word despite the fact that claims 8-10 were canceled; and
- 3) The rejections of claims 1-7 under 35 U.S.C. 103(a) are restated word for word without taking into account the amendments and arguments Applicant presented in the amendment filed on June 24, 2006.

Applicant therefore submits that the rejections of claims 1-7 are insufficient, insofar as they do not comply with MPEP 707.07 *et seq.*, which requires that 1) all rejections be stated with completeness and clarity, and 2) the Examiner answer all material traversed. In particular, the final office appears to be a copy of the non-final office action and in no way answers or addresses the amendments and arguments presented in the amendment filed on June 24, 2006.

Applicant further submits that claims 1-7 are allowable for the reasons advanced in the amendment filed on June 24, 2006.

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Applicant respectfully requests withdrawal of the final office action in favor of allowance of the claims or, at the very least, a new office action addressing the amendments and arguments presented in the amendment filed on June 24, 2006.

Conclusion

For the reasons described above, the Applicant believes that the application is now in condition for allowance and respectfully requests so.

Respectfully submitted,



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